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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,301	02/18/2004	Jordan Dawes	JDI001	4831
28848 7590 12/11/2007 TOPE-MCKAY & ASSOCIATES 23852 PACIFIC COAST HIGHWAY #311 MALIBU, CA 90265			EXAMINER SINGH, SUNIL	
			ART UNIT 3672	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/781,301	DAWES, JORDAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sunil Singh	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-21,23-27,29-34,36-39,41-55 and 57-68 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 68 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-10,19-21,23-26,29,31-34, 36-39,41-44,52-55,57-59,62,64-67 is/are rejected.
- 7) ☐ Claim(s) 11-18,27,30,45-51,60,61 and 63 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-6,8-10,19-21,23-25, 26, 31,34,36-39,41-44,52-55, 57-59,64,67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters '266 in view of Matsuoka '345.

Waters discloses a device comprising a pair of support members (4,5, see Fig. 1), two fasteners (7), support securing members (15a, see Fig. 4), attachment (8). Waters discloses the invention substantially as claimed. However, Waters lacks a planar support member securing mechanism detachably attached to the support member.

Matsuoka teaches a planar support member securing mechanism (8,24,25) detachably (13) attached to the support member (11,12). It would have been considered obvious to one of ordinary skill in the art to modify Waters by substituting the support member securing mechanism and its means for connecting to the support member as taught by Matsuoka for the support member securing mechanism and its means for connecting to the support member as disclosed by Waters since such an arrangement allows for the device to be easily mobile.

With regards to claims 5,19,38,52, the stop mechanism is considered as member (13) of Matsuoka.

With regards to claims 6,20, 39, 53, it would have been considered obvious to modify Waters to include a slot to housed set screw (13). It should be noted that such an arrangement is notoriously conventional.

With regards to claims 9,10,24,25,42,43,58,59 it would have been considered obvious to have constructed attachment (8) out of leather, plastic etc. since such material is conventionally used.

3. Claims 29, 62 rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Matsuoka as applied to claims 1, 34 above, and further in view of Shepherd '963.

Waters (once modified) discloses the invention substantially as claimed. However, the (once modified) Waters is silent about the support member being tubular. Shepherd teaches support member being tubular (25,30). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Waters by making his support members tubular as taught by Shepherd since such an arrangement aide in the flexibility of the structure.

4. Claim 32,33,65,66 rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Matsuoka as applied to claims 1, 34 above, and further in view of Shepherd '963.

Waters (once modified) discloses the invention substantially as claimed. However, the (once modified) Waters is silent about the support member being telescopic. Shepherd teaches support member being telescopic (see col. 2 line 15+). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Waters by making his support members telescopic as taught by Shepherd since such an arrangement aide in the adjustability of the device.

5. Claims 1,3-6,8,10,19-21,23,25-26, 29,31,34,36-39,41,43,44,52-55,57,59,62,64,67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield et al. in view of Matsuoka.

Greenfield et al. discloses a device comprising a pair of support members (20), two fasteners (32), two support securing mechanism (12), attachment (30). Tubular support member (40,50). Greenfield et al. discloses the invention substantially as claimed.

However, Greenfield et al. lacks a planar support member securing mechanism detachably attached to the support member. Matsuoka teaches a planar support member securing mechanism (8,24,25) detachably (13) attached to the support member (11,12). It would have been considered obvious to one of ordinary skill in the art to modify Greenfield et al. by substituting the support member securing mechanism as taught by Matsuoka for the support member securing mechanism as disclosed by

Greenfield et al. since such an arrangement reduces the complexity of the supporting mechanism.

With regards to claims 5,19,38,52, the stop mechanism is considered as member (48,52,13) of Greenfield and Matsuoka respectively.

With regards to claims 6,20, 39, 53, the slot is where members (48,52) of Greenfield are positioned.

With regards to claims 10,25,43,59 it would have been considered obvious to have constructed attachment (30) out of leather, plastic etc. since such material is conventionally used.

#### ***Allowable Subject Matter***

6. Claim 68 is allowed.
7. Claims 11-18, 27, 30, 45-51, 60,61,63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1,34 and 67 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sunil Singh  
Primary Examiner  
Art Unit 3672



SS  
12/7/07

